

**PLANNING APPROVAL &
SUBDIVISION STAFF REPORT****Date: April 4, 2013**

NAME Cottage Hill – Azalea Subdivision

SUBDIVISION NAME Cottage Hill – Azalea Subdivision

LOCATION 751 Azalea Road
(Southeast corner of Azalea Road and Cottage Hill Road)

**CITY COUNCIL
DISTRICT** District 4

PRESENT ZONING B-2, Neighborhood Business District

AREA OF PROPERTY 1 lot / 0.3 acres \pm

CONTEMPLATED USE Planning Approval to allow a seafood store in a B-2, Neighborhood Business District, and Subdivision approval to create one legal lot.

**TIME SCHEDULE
FOR DEVELOPMENT** Work to commence upon receipt of necessary approvals.

ENGINEERING

COMMENTS The following comments should be addressed prior to review, acceptance and signature by the City Engineer:

1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).
2. Provide a signature block and signature from the Traffic Engineering Department.
3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).
4. Dedicate a radius at the corner of Azalea Blvd and Cottage Hill Rd of sufficient size as approved by the City Engineer and Traffic Engineer.

TRAFFIC ENGINEERING

COMMENTS Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Shelly Drive is denied. Access to Cottage Hill Road should be narrowed to 24', located as far as practical from the intersection and limited to right-in, right-out only.

Revised for the May 2nd meeting: Driveways should be limited right-in/right-out only access. No indication is given to prevent left turns. Changes should be made to accommodate right-in/right-out only access.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Planning Approval to allow a seafood store in a B-2, Neighborhood Business District, and Subdivision approval to create one legal lot. Seafood stores require Planning Approval when located in B-2 districts.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore any future changes to the overall site plan must be submitted for Planning Approval review.

The site has been commercially-zoned since at least 1966, prior to the adoption of the current Zoning Ordinance. Aerial photos indicate that the site has been developed since at least 1960. As the proposed use of the site requires Planning Approval, a Subdivision application is also required to create one legal lot out of portions of two lots created in 1943 (prior to the adoption of the current Subdivision Regulations).

The applicant proposes to use the building for a seafood store, which includes the sale of cooked seafood products for consumption off-site. The site plan depicts new screened dumpsters and a can wash area, to be located on the North side of the building, away from adjacent residential uses. A 10-space parking area, new trees and new landscape areas are also depicted.

The site abuts commercial uses to the East, and is across the street (to the North and West) from other commercial uses in B-2 districts. To the south, across Shelley Drive, are residential uses in an R-1, Single-Family Residential district.

The existing building has a "loading dock" on the rear, which apparently is accessed via a pedestrian ramp leading to Shelley Drive. The proposed site plan does not depict the ramp. Also, it appears that a portion of the sidewalk servicing the building extends into the right-of-way of Shelley Drive. The existing building itself abuts the Shelley Drive (with no setback at one corner), and with between a 6 to 9 foot setback from the East property line.

A seafood store, due to the nature of the product, can result in offensive smells and attract nuisance wildlife. The location of the proposed dumpster and can wash on the North side of the facility will minimize smells which may emanate from discarded food. The applicant should also provide information regarding where and how deliveries will be made to the store (where will the product be brought in), and how often the dumpster will be emptied. It should be pointed out that while it appears that the improvements to the site will mitigate possible undesirable side effects of a seafood store, the conformance with the items in the following paragraphs may result in the site not being usable in a manner compliant with the Zoning Ordinance.

The site fronts onto two proposed major streets, Azalea Road and Cottage Hill Road, and Shelley Drive, a minor street. The Major Street Plan component of the Comprehensive Plan states that the right-of-way for each of the proposed major streets should be 100-feet, thus dedication sufficient to provide 50-feet from centerline will be required along each street, as each street appears to have only between 60 and 80 feet of right-of-way, according to the preliminary plat.

The 25-foot minimum building setback line should be revised on the site plan and plat to reflect any required dedication.

As the property has corners on two streets, the dedication of a corner radius compliant with the requirements of Engineering, Traffic Engineering and Section V.D.6. of the Subdivision Regulations will be required.

Since the site has frontage onto two proposed major streets and a minor street, access management is a concern. The site currently has large curb-cuts to all abutting streets. Since Shelley Drive is a minor residential street, the curb-cut should be closed and landscaped with sod. Traffic Engineering has requested that the curb-cut to Cottage Hill Road be located as far to the East from the intersection as possible, be reduced in width to 24-feet, and be designed to only allow right in, right out traffic. The site plan also depicts a reduction in width for the existing curb-cut to Azalea Road, with its narrowing down to approximately 24-feet from a nearly continuous curb-cut at this time: a right in, right out restriction may also be appropriate for the site's frontage along Azalea Road. The size, design and location of any curb-cut modifications must be approved by Traffic Engineering and comply with AASHTO standards.

The existing building is approximately 2,800 square feet, thus a minimum of 10 parking spaces will be required. The site plan depicts 10 spaces. It should be pointed out that the dedication which may be required along Azalea Road will result in an on-site maneuvering area that may not be able to accommodate 90-degree parking due to insufficient width. The applicant should revise the site plan to accommodate any required right-of-way dedication. Any parking areas abutting Shelley Drive should be screened with a 3-foot high evergreen hedge or fence per the requirements of the Zoning Ordinance

New trees and landscape areas are depicted on the site plan. As dedication may be required along both major streets, the site plan should be revised to reflect right-of-way dedication, and all calculations regarding the minimum amount of trees and landscape area should be revised.

RECOMMENDATION

Planning Approval: The request is recommended for Holdover until the May 2, 2013 meeting so that the following revisions can be submitted by April 15th:

- 1) Revision of the site plan to reflect dedication of right-of-way along Cottage Hill Road and Azalea Road, to provide 50-feet from centerline;
- 2) Revision of the site plan to reflect dedication of a corner radius compliant with the requirements of Engineering, Traffic Engineering and Section V.D.6. of the Subdivision Regulations;
- 3) Revision of the site plan to reflect closure and landscaping of the curb-cut to Shelley Drive, and alteration to both the Azalea Road curb-cut (right in, right out only), and the Cottage Hill Road curb-cut (narrow to 24 feet, move as far East as possible, and limit to right in, right out);
- 4) Revision of the site plan to depict adjustments to parking layout and circulation because of dedication and curb-cut closures and width reductions;
- 5) Revision of the site plan regarding tree and landscape compliance, to reflect right-of-way dedication and other site modifications;
- 6) Revision of the site plan to reflect a 3-foot high vegetative buffer or fence where the parking abuts Shelley Drive;
- 7) Revision of the narrative to state how often the dumpsters will be emptied, and how deliveries will be made to the site (by front door or rear door); and
- 8) Revision of the site plan to depict the 25-foot minimum building setback line.

Subdivision: The request is recommended for Holdover until the May 2, 2013 meeting so that the following revisions can be submitted by April 15th:

- 1) Revision of the plat to reflect dedication of right-of-way along Cottage Hill Road and Azalea Road, to provide 50-feet from centerline;
- 2) Revision of the plat to reflect dedication of a corner radius compliant with the requirements of Engineering, Traffic Engineering and Section V.D.6. of the Subdivision Regulations;
- 3) Revision of the plat to add a note stating that access to Shelley Drive is denied, and that access to Azalea Road and Cottage Hill Road is limited to one curb-cut to each street, with the width limited to 24-feet, and to be right in, right out only, with the size, design and location to be approved by Traffic Engineering and to comply with AASHTO standards; and
- 4) Revision of the site plan to depict the 25-foot minimum building setback line.

Revised for the May 2, 2013 meeting:

The applicant submitted a revised narrative and two site plans regarding the site. Each of the site plans depict the requested dedication along both Azalea Road and Cottage Hill Road, and how the dedication impacts the parking layout and circulation of the site. Version "A" shows the originally proposed layout with 10 perpendicular parking spaces, and shows how the required maneuvering area will extend substantially into the dedicated right-of-way (but still remain approximately 14 feet from the edge of pavement along Azalea Road). Version "B" shows 8 angled parking spaces, and while there is less impact to the dedicated right-of-way for

vehicle maneuvering, the lesser number of parking spaces results in the site not complying with the parking ratio requirements of the Zoning Ordinance.

Because of the impact of the right-of-way dedication on the site, the applicant has requested that the dedication requirement be waived.

Additional research by staff found that in July 2003, the Planning Commission waived the dedication requirement along Azalea Road for the subdivision located directly north of the site, across Cottage Hill Road, where a drug store is located. The Planning Commission did, however, require the dedication of 10-feet of right-of-way along Cottage Hill Road. It should also be pointed out that the building setback line for the drug store site was 45-feet.

The applicant proposes to improve an existing, developed site. As such, their intent is to use an existing building, and only make modifications and improvements to the parking area, which includes the provision of landscaping and trees for a site which currently lacks frontage landscape areas and trees. The reason that the applicant is before the Commission is because the proposed use, a seafood market, requires Planning Approval.

Staff suggests that the Commission consider approval of both the Planning Approval and Subdivision requests, but that dedication along Cottage Hill Road be required to provide 50-feet from centerline (approximately 10 feet), and that a minimum amount of dedication be provided along Azalea Road to ensure 8 feet from back of the existing curb so that a city standard sidewalk can be provided along Azalea Road.

The 25-foot minimum building setback line should be depicted from the revised Cottage Hill Road right-of-way edge. The setback line along Azalea Road should be located to accommodate all future right-of-way dedication, thus should be located 50 feet from centerline, plus 25 feet. Additionally, the 25-foot minimum building setback line should be depicted from the property line along Shelley Drive. The setback lines should be shown on both the site plan and plat.

As stated in the revised Traffic Engineering comments, the curb-cuts to both Azalea Road and Cottage Hill Road should be additionally modified to be right-in, right-out only. The site plan should be revised to show and label the modification. Consultation with Traffic Engineering may be required to determine an acceptable design.

Finally, the applicant should make site improvements, including the provision of frontage trees and landscape area along both Cottage Hill Road and Azalea Road, and perimeter trees along that portion of the site between the building and Cottage Hill Road. The curb-cut to Shelley Drive should be closed and landscaped to match the adjacent right-of-way, and a 3-foot high wooden privacy fence should be built along the property line, between the west edge of the building to the Azalea Road right-of-way, and from the east edge of the building to east property line. Also, any new lighting or modification of the existing lighting of the site must comply with the requirements of Section 64-4.A.2. and Section 64-6.A.3.c.the Zoning Ordinance, thus no light should shine off of the site.

RECOMMENDATION

Planning Approval: The request is recommended for approval, subject to the following conditions:

- 1) Dedication of right-of-way along Cottage Hill Road to provide 50-feet from centerline (approximately 10 feet);
- 2) Dedication of right-of-way along Azalea Road sufficient to ensure a minimum of 8-feet from the back of the existing curb, to allow the construction of a city standard sidewalk;
- 3) Provision of corner radii in compliance with Section V.D.6. of the Subdivision Regulations, and to be approved by Engineering and Traffic Engineering;
- 4) Provision of sidewalks and accessible ramps along all street frontages, including Shelley Drive;
- 5) Depiction of the 25-foot minimum building setback line from the new right-of-way of Cottage Hill Road, from the future right-of-way of Azalea Road (assuming a 100-foot wide right-of-way), and from the right-of-way of Shelley Drive;
- 6) Provision of a minimum of 3 frontage trees along both Azalea Road and Cottage Hill Road (6 total), with any frontage tree planted within 15 feet of an overhead power line to be a live oak;
- 7) Provision of a minimum of 3 perimeter trees only in the landscape area between the building and Cottage Hill Road on the eastern side of the site;
- 8) Revision of the site plan to depict compliance with revised Traffic Engineering comments (*Driveways should be limited right-in/right-out only access. No indication is given to prevent left turns. Changes should be made to accommodate right-in/right-out only access.*);
- 9) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4. Dedicate a radius at the corner of Azalea Blvd and Cottage Hill Rd of sufficient size as approved by the City Engineer and Traffic Engineer.*);
- 10) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);
- 11) Provision of a 3-foot high wooden privacy fence along the Shelley Drive frontage, except along that portion where the building exists;
- 12) Provision of 10 parking spaces, as depicted, including a van accessible space and aisle;
- 13) Any new lighting placed on the site or modification of the existing lighting shall comply with the requirements of Section 64-4.A.2. and Section 64-6.A.3.c. of the Zoning Ordinance;
- 14) Use of or access from Shelley Drive for loading or unloading for the site is prohibited;
- 15) Application for land disturbance and right-of-way permits to undertake required site improvements;

- 16) Submission of a revised site plan depicting compliance with the above conditions; and
- 17) Completion of the Subdivision process prior to any request for permits.

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) Dedication of right-of-way along Cottage Hill Road to provide 50-feet from centerline (approximately 10 feet);
- 2) Dedication of right-of-way along Azalea Road sufficient to ensure a minimum of 8-feet from the back of the existing curb, to allow the construction of a city standard sidewalk;
- 3) Provision of corner radii in compliance with Section V.D.6. of the Subdivision Regulations, and to be approved by Engineering and Traffic Engineering;
- 4) Provision of sidewalks and accessible ramps along all street frontages, including Shelley Drive;
- 5) Depiction of the 25-foot minimum building setback line from the new right-of-way of Cottage Hill Road, from the future right-of-way of Azalea Road (assuming a 100-foot wide right-of-way), and from the right-of-way of Shelley Drive;
- 6) Compliance with revised Traffic Engineering comments (*Driveways should be limited right-in/right-out only access. No indication is given to prevent left turns. Changes should be made to accommodate right-in/right-out only access.*);
- 7) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4. Dedicate a radius at the corner of Azalea Blvd and Cottage Hill Rd of sufficient size as approved by the City Engineer and Traffic Engineer.*);
- 8) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);
- 9) Placement of a note on the plat stating that the lot is limited to one right-in, right-out curb-cut to Azalea Road, and one right-in, right-out curb-cut to Cottage Hill Road, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 10) Provision of a revised Planning Approval site plan prior to the signing of the final plat; and
- 11) Completion of the Subdivision process prior to any request for permits.

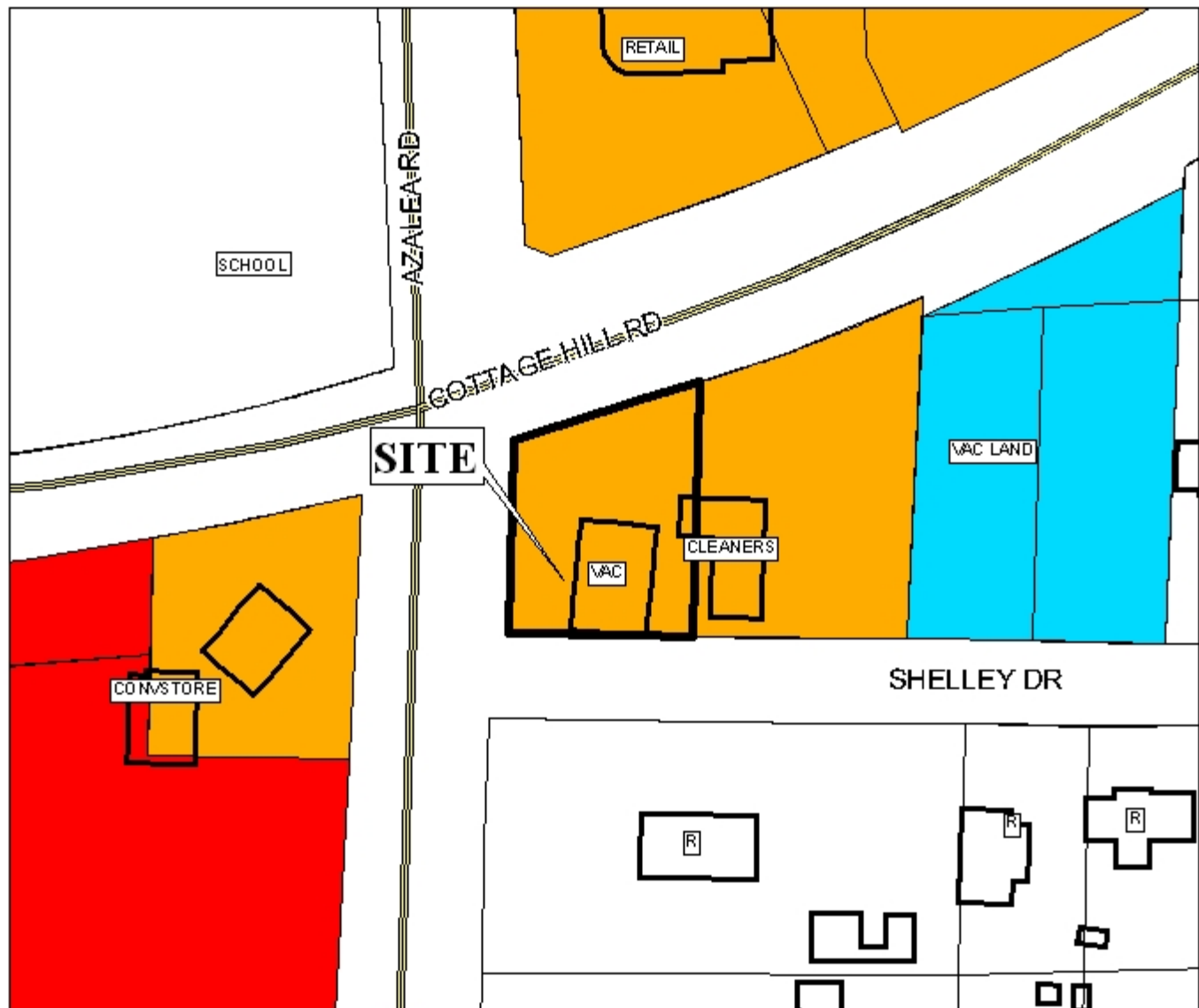
LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE May 2, 2013
APPLICANT Cottage Hill - Azalea Subdivision
REQUEST Subdivision, Planning Approval

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north, east, and west of the site. Single-family residences are located to the south of the site.

APPLICATION NUMBER 1 & 2 DATE May 2, 2013
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 REQUEST Subdivision, Planning Approval

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

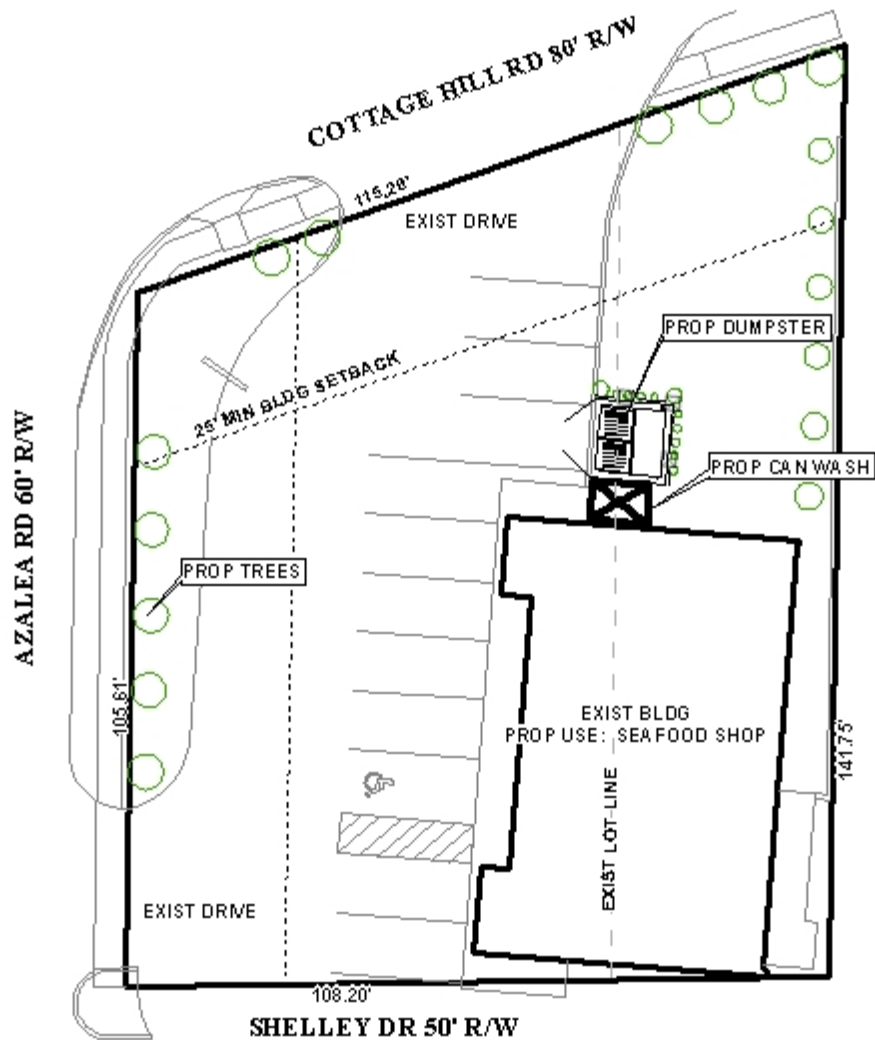


Commercial land use is located to the north, east, and west of the site. Single-family residences are located to the south of the site.

APPLICATION NUMBER 1 & 2 DATE May 2, 2013
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REQUEST Subdivision, Planning Approval

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SITE PLAN

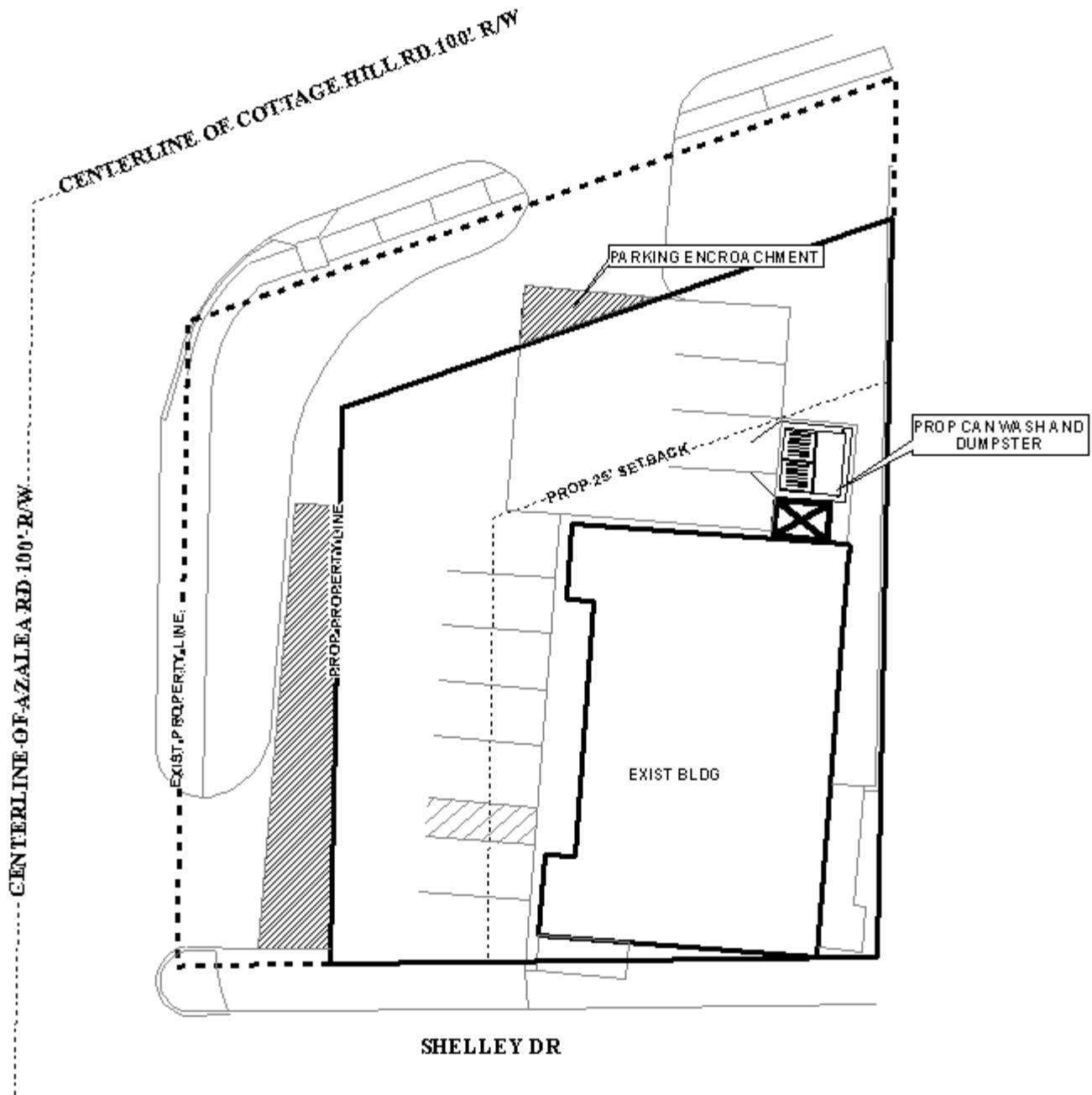


The site plan illustrates the existing structures, proposed structures, and proposed landscaping.

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 NTS

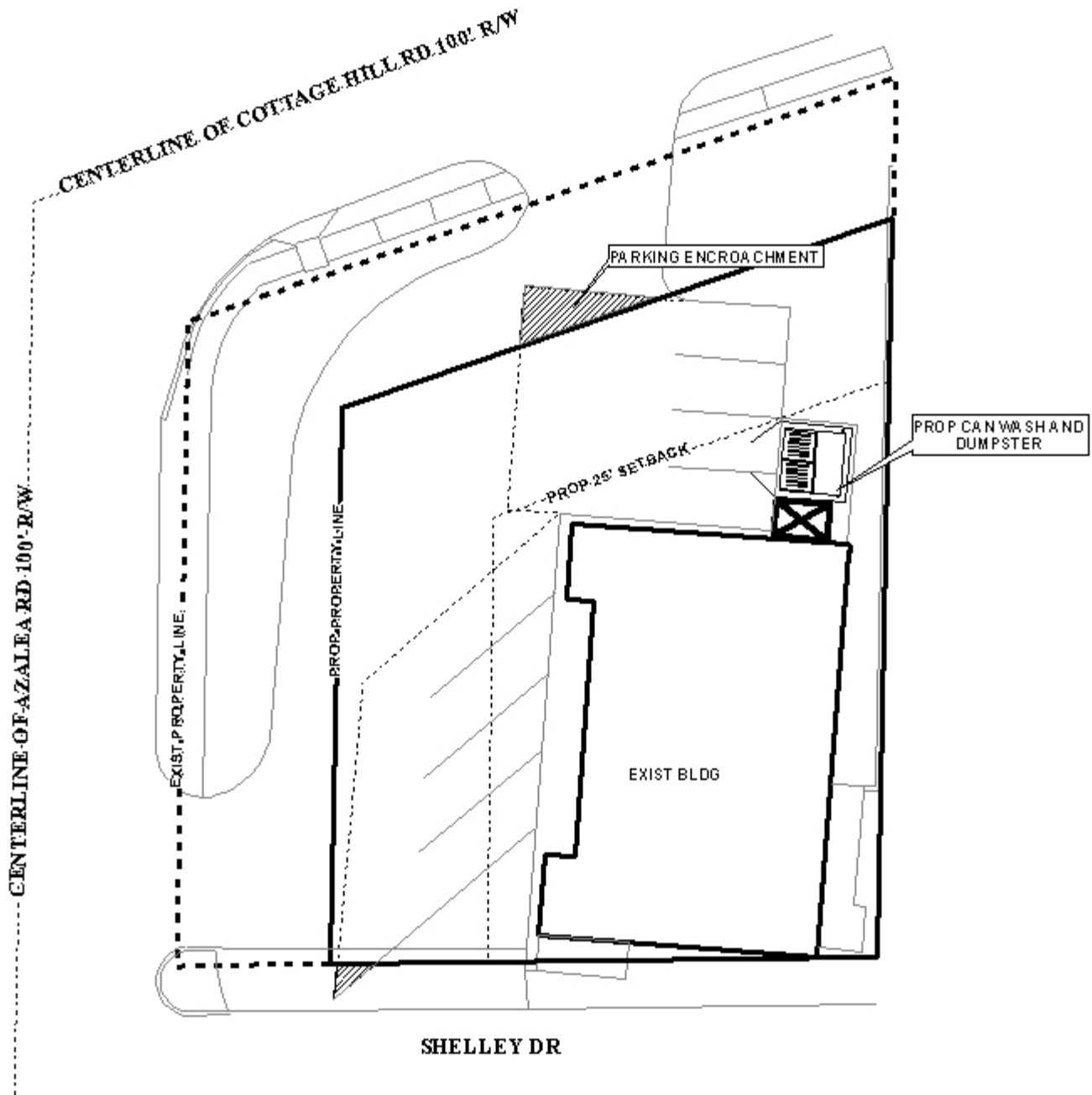
DETAIL SITE PLAN - VERSION A



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DETAIL SITE PLAN - VERSION B



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REQUEST Subdivision, Planning Approval

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